



**U.S. Department of Justice  
U.S. Attorney's Office  
Western District of Texas**

**Johnny Sutton, U.S. Attorney**

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**FOR IMMEDIATE RELEASE**

Shana Jones, Special Assistant  
Daryl Fields, Public Information Officer  
(210) 384-7440

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**SAN ANTONIO BUSINESS OWNER SENTENCED TO FEDERAL PRISON  
AND ORDERED TO PAY OVER \$4 MILLION RESTITUTION**

**United States Attorney Johnny Sutton** announced that in San Antonio this afternoon, Mary Lou Hernandez, owner of Angel Care Medical Supply, was sentenced to 24 months in federal prison and ordered to pay \$4,409,518 in restitution for her role in a Health Care Fraud kickback scheme.

In addition to the prison term, United States District Judge W. Royal Furgeson ordered that Hernandez be placed under supervised release for a period of three years after completing her prison term. Today, Hernandez forfeited nearly \$428,000 in assets toward satisfying the agreed \$4 million monetary judgement ordered by the Court on April 12, 2007.

On November 16, 2006, Hernandez pleaded guilty to a 3-count Information charging her with conspiracy to commit Health Care Fraud, Health Care Fraud and violation of the Anti-kickback statute.

A Certificate of Medical Necessity (CMN) documents a beneficiary's physician's conclusion that durable medical equipment (DME) such as wheel chairs, hospital beds, ventilators and oxygen equipment is medically necessary and reasonable for the treatment of an illness or injury. Hernandez admitted that beginning in 2000, she paid between \$800 and \$1,000 in kickbacks to five San Antonio area physicians for each CMN. Hernandez also admitted to submitting false Medicare and Medicaid reimbursement claims for DME. The factual basis alleges that from January 13, 2001, to September 30, 2004, ACMS was overpaid \$3,032,404.94 by Medicare and \$1,377,114 by Medicaid.

The defendant's fraudulent scheme was revealed during an investigation conducted by the Federal Bureau of Investigation. Assistant United States Attorney Tom McHugh prosecuted this case on behalf of the Government.

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